

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 25, 2002

DIVISION ONE

B152885 People (Not for Publication)
v.
Jermaine Taylor, et al.

The judgments are modified in the following respects: As to defendant Taylor, the two 20-year enhancements imposed on counts 3 and 5 under section 12022.53, subdivision (c), are stricken. The enhancements on counts 4 and 6 pursuant to section 12022.5, subdivision (a)(1), and section 12022, subdivision (a)(1), which were stayed, are stricken. As to defendant Curry, the two enhancements on counts 4 and 6 pursuant to section 12022, subdivision (a)(1), which were stayed, are stricken. As so modified, the judgments are affirmed. The clerk of the court is directed to prepare corrected abstracts of judgment and forward them to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B156372 George Jenkins (Not for Publication)
v.
Stephen J. Densmore, et al.

We affirm the judgment (order of dismissal). Respondent(s) to recover costs.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

November 25, 2002 (Continued)

DIVISION ONE (Continued)

B151489 People (Not for Publication)
v.
Paul Basurto, et al.

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B144175 Giannetakis, et al. (Not for Publication)
v.
Gonsalves

The judgment is affirmed. Respondent(s) to recover costs.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B153773 People (Not for Publication)
v.
Flier, et al.

The judgments are modified by striking the parole revocation fines imposed pursuant to Penal Code section 1202.45. In all other respects, the judgments are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

November 25, 2002 (Continued)

DIVISION ONE (Continued)

B161627 Kimberly K. (Not for Publication)
v.
Superior Court, Los Angeles County
(LA County Dept of Children & Family Services, r.p.i.)

The petition is denied.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B142910 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Ortega, Acting P.J.

I concur: Vogel (Miriam A.), J.
I concur: Mallano, J. (opinion)

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B151346 Williams, et al. (Not for Publication)
 v.
 City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

B151979 Roy (Not for Publication)
 v.
 Bowman

The judgment is affirmed. Respondent(s) to recover costs.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B152775 Holm, et al. (Not for Publication)
 v.
 Hobdy

The order is affirmed. Hobdy's motion for sanctions is denied, but he is entitled to his costs on appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

November 25, 2002 (Continued)

DIVISION ONE (Continued)

B147848 North Valley Coalition of Concerned Citizens (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION TWO

B139972 McClintock
v.
McClintock

Filed order denying petition for rehearing.

B149251 Crystal Towers, LTD, et al.
v.
Prudential-LMI Commercial Insurance Company, et al.

Filed order denying petition for rehearing.

DIVISION THREE

B151536 Simpkins, et al. (Not for Publication)
B152944 v.
New Century Volkswagen, et al.

We reverse the orders denying the petition to compel arbitration and remand the matters to the trial court with directions to vacate those orders and enter new orders granting defendants' petition to compel arbitration. Costs on appeal are awarded to appellants New Century Volkswagen, Brian Friedman, Bruce Lowry, Ronnie Suarez, Frank Lin, and Dennis Lin.

Kitching, J.

We concur: Klein, P.J.
Croskey, J.

November 25, 2002 (Continued)

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FIVE

November 25, 2002

117902-02

THE HONORABLE PATTI S. KITCHING, Associate Justice of the Court of Appeal, Second Appellate District, Division Three, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division FIVE**, as a justice thereof, on the following date(s):

December 10, 2002

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, in necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

November 20, 2002

Ronald M George
Chief Justice of California and
Chairperson of the Judicial council

DIVISION SIX

B158416 Settle mire (Certified for Publication)

v.

San Luis Obispo Superior Court
(Settle mire,, R.P.I.)

Let a writ of mandate issue directing respondent superior court to vacate its order sending the matter for a reference hearing and to enter a new order that entitles Settle mire to a hearing before a superior court judge.

The order to show cause and the stay, having served their purposes, are dissolved. The parties are to bear their own costs.

Gilbert, P.J.

We concur: Yegan, J.
 Coffee, J.

B155509 Caughell (Not for Publication)

v.

Cook

The judgment (order) of the trial court denying Cook's motion for attorney fees is reversed and remanded to determine the amount of attorney fees recoverable by Cook. Appellant shall recover her costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B156933 Egerer (Not for Publication)

v.

Computer Parts Unlimited, Inc.

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

November 25, 2002 (Continued)

DIVISION SIX (Continued)

[illegible]

The conviction is affirmed; the sentence is vacated and the case is remanded to the trial court for resentencing in accordance with this opinion.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B135086 Kerrigan, et al. (Not for Publication)
v.
Thrifty Drug

The judgment is affirmed. Respondent is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (Continued)

B153774 Jansen, etc. (Not for Publication)
v.
County of Santa Barbara, et al.

The judgment granting the peremptory writ of mandate and the post-judgment order awarding \$7,500 attorney's fees are reversed. The judgment in favor of County and Board on the complaint for damages is affirmed. County and Board shall recover their costs on appeal in B153774 and B154670.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B155295 People (Not for Publication)
v.
Silva

The part of the judgment imposing a one year enhancement pursuant to section 667.5, subdivision (b) is reversed and the cause is remanded for trial on the issue of whether appellant suffered a prior prison term and for resentencing. In all other respects, the judgment of conviction and probation violation are affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B154784 Kafader, et al. (Not for Publication)
v.
USAA Casualty Insurance Company
Phinney

V.
USAA Casualty Insurance Company

We reverse and remand so that the trial court may do so. Costs are awarded to appellants.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

November 25, 2002 (Continued)

DIVISION SIX (Continued)

B155646 Martino
 v.
 W.C.A.B.

Filed order modifying opinion. (No change in the judgment)